

Behavioral Sciences Regulatory Board

Dr. Bruce Nystrom, 12717 W. 29th St., Wichita, KS 67223-3901. Term expires June 30, 2022. Succeeds Grant Edwards.

Capitol Preservation Committee

Jeremy Stohs, 5217 Payne St., Shawnee, KS 66226-3900. Term expires June 30, 2020. Reappointed.

Healing Arts, Kansas Board of

Mark Balderston, 6722 Red Oak Dr., Shawnee, KS 66217-9584. Term expires June 30, 2022. Succeeds Terry Webb.

Steven Gould, 40720 W. 31st St. South, Cheney, KS 67025-8973. Term expires June 30, 2022. Reappointed.

John Settich, 324 Santa Fe St., Atchison, KS 66002-2547. Term expires June 30, 2022. Reappointed.

Information Technology Executive Council

Alexandra Blasi, 800 SW Jackson, Suite 1414, Topeka, KS 66612. Term expires February 29, 2020.

Greg Gann, 538 N. Main, Suite 221, Wichita, KS 67203. Term expires February 29, 2020.

Mike Mayta, 455 N. Main, 9th floor, Wichita, KS 67202. Term expires February 29, 2020.

Sarah Shipman, 1000 SW Jackson, Suite 500, Topeka, KS 66612. Term expires February 29, 2020.

Sam Williams, 109 SW 9th St., 4th floor, Topeka, KS 66612. Term expires February 29, 2020.

Erik Wisner, 700 SW Jackson, Suite 404, Topeka, KS 66612. Term expires February 29, 2020.

Postsecondary Technical Education Authority

Jason Cox, 3814 E. English St., Wichita, KS 67218. Succeeds Deborah Gann.

Sabrina Korentager, 2500 W. 65th St., Mission Hills, KS 66208.

Debra Mikulka, PO Box 731, Chanute, KS 66720-0731. Succeeds Bruce Akin.

**REACH Healthcare Foundation
Community Advisory Committee**

Justin Richter, 5003 W. 112th St., Leawood, KS 66211-1712. Term expires May 31, 2021. Succeeds Jennifer Rhodus.

Kris W. Kobach
Secretary of State

Doc. No. 046561

State of Kansas**Department of Health and Environment****Notice of Hearing on Proposed
Administrative Regulations**

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Environmental Remediation, Surface Mining Section, will conduct a public hearing at 10:00 a.m. Wednesday, November 28, 2018, in the Azure Conference Room, fourth floor, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the adoption of proposed amended regulations K.A.R. 47-2-75, 47-3-1, 47-3-2, 47-3-42, 47-5-

5a, 47-6-1, 47-6-2, 47-6-3, 47-6-4, 47-6-6, 47-6-8, 47-6-9, 47-6-10, 47-6-11, 47-7-2, 47-8-9, 47-9-1, 47-9-4, 47-10-1, 47-11-8, 47-12-4, 47-13-4, 47-14-7, 47-15-1a, 47-16-6, 47-16-9, 47-16-10, 47-16-12 and proposed new regulation K.A.R. 47-16-13, all regarding KDHE mined-land conservation and reclamation.

A summary of the proposed regulations and the estimated economic impact follows:

Summary of Regulations:

K.A.R. 47-2-75. Definitions; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R., with modifications to relevant state references, to meet Office of Surface Mining requirements. Clarifies definitions as required by the Office of Surface Mining. Updates additional location where the American Society for Testing and Materials (ASTM) standard is on file for public review. Reorders the definitions for organizational clarity.

K.A.R. 47-3-1. Application for mining permit. Reduces the number of copies to be submitted for a permit application package to three plus the original.

K.A.R. 47-3-2. Application for mining permit; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements regarding general provisions for review of permit applications. Reorders replacement phrases for organizational clarity.

K.A.R. 47-3-42. Application for mining permit; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R., with modifications to relevant state references, to meet Office of Surface Mining requirements regarding ownership and control. Reduces the timeframe for review of a permit application from 60 to 30 days. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-5-5a. Civil penalties; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements regarding procedures for civil penalty assessment, except that the minimum amount of assessed civil penalty per day is not raised. Clarifies options for presiding officer to waive use of point system in determining a civil penalty. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-6-1. Permit review. Updates the permit review process to meet Office of Surface Mining requirements.

K.A.R. 47-6-2. Permit revision. Updates the permit revision process to meet Office of Surface Mining requirements. Requires relevant information to be submitted for significant changes to a permit. Replaces secretary or secretary's designee with chief of the surface mining section.

K.A.R. 47-6-3. Permit renewals; adoption by reference. Updates adoption by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-6-4. Permit transfers, assignments, and sales; adoption by reference. Updates adoption by ref-

erence to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases for organizational clarity.

K.A.R. 47-6-6. Permit conditions; adoption by reference. Updates adoption by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases for organizational clarity.

K.A.R. 47-6-8. Termination of jurisdiction; adoption by reference. Updates adoption by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases for organizational clarity.

K.A.R. 47-6-9. Exemption for coal extraction incidental to government-financed highway or other construction; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-6-10. Exemption for coal extraction incidental to the extraction of other minerals; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-6-11. Post-permit issuance requirements; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-7-2. Coal exploration; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-8-9. Bonding procedures; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases for organizational clarity.

K.A.R. 47-9-1. Adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R., with modifications relevant to state references, to meet Office of Surface Mining requirements. Clarifies hydrologic balances. Requires all blasting operations to be conducted under direction of a Kansas-certified blaster. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-9-4. Interim performance standards; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases for organizational clarity.

K.A.R. 47-10-1. Adoption by reference; underground mining. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases citations for organizational clarity.

K.A.R. 47-11-8. Small operator assistance program; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-12-4. Lands unsuitable for surface mining; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-13-4. Training and certification of blasters; adoption by reference. Updates adoption by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrase and citation for organizational clarity.

K.A.R. 47-14-7. Employee financial interest; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement phrases and citations for organizational clarity.

K.A.R. 47-15-1a. Inspection and enforcement; adoption by reference. Updates adoptions by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements that state regulations be no less effective than federal regulations. Changes federal references in the adoptions by reference to state references where applicable. Replaces "OSM" with "Kansas department of health and environment" regarding review of decision not to inspect or enforce. Reorders the replacement phrases and citations for organizational clarity.

K.A.R. 47-16-6. Liens. Revises requirement of the secretary to file a lien on reclaimed land from obligatory to optional. Clarifies that the secretary may waive a lien if at least one of the listed conditions is met.

K.A.R. 47-16-9. Contractor responsibility. Corrects the citation of a C.F.R. adoption by reference in K.A.R. 47-3-42 regarding ownership and control to meet Office of Surface Mining requirements.

K.A.R. 47-16-10. Exclusion of certain noncoal reclamation sites. Corrects the citation of a C.F.R. adoption reference in K.A.R. 47-3-42 regarding ownership and control to meet Office of Surface Mining requirements.

K.A.R. 47-16-12. Surface mining section's procedures for reclamation projects receiving less than 50 percent government funding. Updates adoption by reference to the July 1, 2012 publication of 30 C.F.R. to meet Office of Surface Mining requirements. Reorders replacement terms for organizational clarity.

K.A.R. 47-16-13. Reclamation of non-coal-mined lands and associated waters. New regulation that authorizes use of funds for some non-coal-mined lands related reclamation. Meets Office of Surface Mining requirements regarding ownership and control with adoption by reference of the July 1, 2012 publication of 30 C.F.R. in K.A.R. 47-3-42.

(continued)

Economic Impact:

Cost to the agency: Full implementation of the proposed regulations will cost \$72,850 annually for as long as the Abandoned Mine Land (AML) program is active. However, this expenditure will result in an annual grant award of \$3,000,000 in AML funds from the federal government. To receive the grant, the state must have an active Administration and Enforcement Program. The cost of the Administration and Enforcement Program is split 50/50 between the state and the federal government. The state share is budgeted at \$72,850.

Cost to the public and regulated community: The proposed regulations will not increase costs to the public. The reduction of the required number of permit application package copy submittals should decrease the cost to the regulated community although it will not be significant.

Cost to other governmental agencies or units: There are no known costs to other governmental agencies.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to 5:00 p.m. on the day of the hearing to Jorge Jacobs, Kansas Department of Health and Environment, Redevelopment Section, 1000 SW Jackson, Suite 410 Topeka,

KS 66612-1367, by email to Jorge.Jacobs@ks.gov, or by fax to 785-559-4262 or 785-559-4259. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained from the Surface Mining Unit website at <http://www.kdheks.gov/mining/download.html> or by contacting Jorge Jacobs at the address above, phone 785-296-0721, or fax 785-559-4262 or 785-559-4259. Questions pertaining to the proposed regulations should be directed to Jorge Jacobs at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Jorge Jacobs.

Jeff Andersen
Secretary

Doc. No. 046559

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2017 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-9-7b	Amended	V. 36, p. 1089

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-2-3	Amended	V. 36, p. 1088
4-2-8	Amended	V. 36, p. 1088
4-2-17a	Revoked	V. 36, p. 1088
4-2-21	New	V. 36, p. 1088
4-6-3	Amended	V. 37, p. 592
4-28-5	Amended	V. 37, p. 592
4-28-6	Amended	V. 37, p. 593

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-3-6a	Amended	V. 36, p. 159

5-5-9	Amended	V. 36, p. 1036
5-5-10	Amended	V. 36, p. 1036
5-5-16	Amended	V. 36, p. 1037
5-14-10	Amended	V. 36, p. 823
5-14-11	Amended	V. 36, p. 1038
5-14-12	New	V. 36, p. 825
5-21-3	Amended	V. 36, p. 160

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

Reg. No.	Action	Register
9-3-9	Amended	V. 36, p. 140
9-3-10	Amended	V. 36, p. 140
9-10-33a	Amended	V. 36, p. 1038
9-10-40	New	V. 36, p. 1038
9-18-1	Revoked	V. 36, p. 1229
9-18-2	Revoked	V. 36, p. 1229
9-18-3	Revoked	V. 36, p. 1229
9-18-4	New	V. 36, p. 1229
9-18-5	New	V. 36, p. 1229
9-18-6	New	V. 36, p. 1229
9-18-7	New	V. 36, p. 1230
9-18-8	New	V. 36, p. 1230
9-18-9	New	V. 36, p. 1230
9-18-10	New	V. 36, p. 1231
9-18-11	New	V. 36, p. 1231
9-18-12	New	V. 36, p. 1232
9-18-13	New	V. 36, p. 1232
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9-18-29	New	V. 36, p. 1237
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